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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,747	01/14/2002	Kun-Shan Lu	JCLA8453	5185

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J C PATENTS, INC.
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IRVINE, CA 92618

EXAMINER

SZYMANSKI, THOMAS M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,747

Applicant(s)

LU, KUN-SHAN

Examiner

Thomas Szymanski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/14/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-10 in the reply filed on 8/18/2005 is acknowledged.

2. Claims 1-10 have been examined.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The applicant is requested to review the specification and update the status of all co-pending applications made mention of, replacing attorney docket numbers with current U.S. application or patent numbers when appropriate. References to U.S. applications or patents should make it clear as to what the number refers (e.g. U.S. Patent No. #), instead of listing only the number.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Patel U.S. Patent Application Publication No. 2002/0174345.

7. Regarding claim 1: A Network Server (Fig 9 44, para 102 lines 8-9)

Generating a fingerprint digital data of applied fingerprint (para 92 lines 5-10)

Verifying said fingerprint (para 92 lines 5-10) The fingerprint is verified against that already on file.

Generating verification signal for granting or denying access to a secured site (para 92 lines 10-12, para 93) When a match occurs a verification signal is generated which is then verified by the server and access is granted.

8. Regarding claim 2: A processor for generating a first and second fingerprint digital data (para 94, Fig 9 part 31) The processor for generating such a file is that of the connected computer as demonstrated.

Fingerprint database memory (para 97) As stated the read print is compared with the print that is stored, thus providing for a database memory.

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A comparator for comparing first and second fingerprint digital data (para 97) Patel states that the read print is compared to the stored print. This must take place through a comparator mechanism.

9. Regarding claim 3: Fingerprint verification system is connected to the network server through a wired network (Fig 9, element 49) As stated the system provides for connection to the world wide web via a wired connection.

10. Regarding claim 4: Fingerprint verification system is connected to the network server through a wireless network (Fig 10, element 47, 51) As stated the system provides for connection to the server via any viable communication link such as a cellular telephone as denoted within the figure thus providing for a wireless connection.

11. Regarding claim 5: the secured site comprises files on the network server (Abstract, para 11, 16) Patel states that the system is implemented to provide authorized users with access to sensitive information stored within given network. As such this information would be stored in a file on the network comprising the server that is connected.

12. Regarding claim 6: Secured site comprises an internet-based management system (Abstract, para 11, 16) As a way of connection to this system is via the internet and the purpose is for managing sensitive information this system constitutes an internet-based management.

13. Regarding claim 10: A monitor (Fig 9 element 31) the computer system as specified by Patel comprises a monitor.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel U.S. Patent Application Publication No. 2002/0174345 as applied to claims 1-6 above, and further in view of Fishbine et al U.S. Patent No. 5, 222,152.

16. Regarding claim 7: Patel teaches a system as described above but fails to teach the limitation of a computer camera.

Fishbine et al teaches a system for fingerprint verification that comprises a computer camera (Fig 1 elements 18, 20).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the system of Patel with that of Fishbine et al. for the advantages of increased functionality.

The system of Fishbine et al provides for desirable features not provided for under Patel. Those features being the acquisition of further biometric identification such as a facial image (Fishbine Col 2 lines 33-37), additionally Fishbine et al provides for a more efficient lightweight system that is not confined to be part of an immobile device

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such as a desktop phone as denoted by Patel (Figure 6), (Fishbine Col 2 lines 3-6).

Even Further it is desirable to be able to preview such fingerprints and images on a monitor at the time of acquisition as provided for by Fishbine et al (Fishbine Col 2 lines 37-43), so as to provide for increased accuracy and examination ability. As it can be seen it is advantageous to combine two such systems for the increased functionality that is provided.

17. Regarding claim 8: A scanner device (Col 2 lines 31-32) Fishbine et al provides a scanner device for fingerprint acquisition. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the system of Patel with that of Fishbine et al. for the advantages of increased functionality.

18. Regarding claim 9: A projector device (Fig 2-4, Col 3 lines 42-68, Col 4 lines 1-9) A projector is defined as "A device for projecting a beam of light", the finger prism as denoted by Fishbine et al does exactly that which is defined. It internally projects light onto the image recorder from the fingerprint. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the system of Patel with that of Fishbine et al. for the advantages of increased functionality.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of art

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disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

20. Inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas M. Szymanski who can be reached at (571) 272-8574. The examiner's normal working schedule is between the hours 8:00am – 4:30pm (EST), Monday – Friday.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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